

Attorneys for Plaintiffs HAMID SOLTANIZAD;
and MARGORY K. NUNEZ LIZA,

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

HAMID SOLTANIZAD; and MARGORY
K. NUNEZ LIZA,

Plaintiff,

v.

DIDAR PERSIAN CUISINE; AHMAD
NIKMORAD, an individual dba DIDAR
PERSIAN CUISINE; and SOUDABEH
NIKMORAD, an individual dba DIDAR
PERSIAN CUISINE

Defendant.

CASE NO. CV-13-1392-JSW

MOTION FOR ADMINISTRATIVE RELIEF -
REQUEST FOR CASE MANAGEMENT
CONFERENCE; MEMORANDUM OF
POINTS AND AUTHORITIES AND
~~PROPOSED~~ ORDER THEREON SETTING
CASE MANAGEMENT CONFERENCE

AND DIRECTING PLAINTIFFS TO SERVE DEFENDANTS
[L.R. 7-11; Gen. Order 56]

Plaintiffs HAMID SOLTANIZAD; and MARGORY K. NUNEZ LIZA, pursuant to Local Rule 7-11 and General Order 56, hereby moves this Court for Administrative Relief and requests the Court to set a Case Management Conference in the above-captioned matter.

The case before this Court seeks, in part, relief pursuant to Title III of the Americans with Disabilities Act (“ADA”), and pursuant to California statutes of Civil Code §51, *et seq.* and §54,

1 *et seq.*, and California Health & Safety Code §19955 *et seq.*, relief and damages. Accordingly,
 2 litigation of this case is controlled by the procedures established in General Order No. 56.
 3 These procedures impose a stay on all discovery until after a mediation has been completed and a
 4 case management conference has taken place.

5 General Order No. 56 provides for plaintiffs to file a motion to request a Case
 6 Management Conference once a mediation has been completed. A mediation was conducted on
 7 December 10, 2013, by Mediator, William E. Simmons. However, the parties were unsuccessful
 8 in their efforts to try and resolve the above-mentioned caption matter. This case has not settled.
 9 It appears that discovery is necessary. Therefore, plaintiffs respectfully request that this matter
 10 be set for a Case Management Conference.

11 Respectfully Submitted,

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 13 Dated: January 2, 2014

THOMAS E. FRANKOVICH,
A PROFESSIONAL LAW CORPORATION

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 16 By: /s/Thomas E. Frankovich

THOMAS E. FRANKOVICH
 Attorney for Plaintiffs HAMID SOLTANIZAD; and
 MARGORY K. NUNEZ LIZA

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MEMORANDUM OF POINTS AND AUTHORITIES

GENERAL ORDER 56:

General Order No. 56 provides for plaintiff to file a motion to request a Case Management Conference once a mediation has been completed.

¶7 “ If the case does not resolve at mediation, plaintiff shall within seven (7) calendar days of the mediator’s filing of a Certification of ADR Sessions reporting that the mediation process is concluded, file a Motion for Administrative Relief pursuant to Civil Local Rule 7-11 requesting a Case Management Conference.”

Dated: 2013

THOMAS E. FRANKOVICH,
A PROFESSIONAL LAW CORPORATION

By: /s/Thomas E. Frankovich
THOMAS E. FRANKOVICH
Attorneys for Plaintiffs HAMID SOLTANIZAD;
and MARGORY K. NUNEZ LIZA

PROPOSED ORDER

IT IS HEREBY ORDERED that this Court will set this case for a Case Management Conference. The parties shall appear on Friday, March 28, 2014 at 1:30 p.m., and they shall file a joint case management statement by no later than Friday, March 21, 2014.

It is **FURTHER ORDERED** that Plaintiffs shall serve a copy of this Order on Defendants and shall file proof of such service by no later than January 17, 2014.

Dated: January 13, _____, 2014


Honorable Judge Jeffery S. White
UNITED STATES DISTRICT JUDGE